

G. R. S. IX-5]

Previous references.

cts 6-16 s/s 1-2
cts 83-08 s/s 1-3

Later references.

1918. *Preserved*
(Courts)

File No. 51-18

Serial Nos. 1-2

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-2

Part B for October 18

SUBJECT.

Requests that the sentence of transportation passed in Crl. appeal no 11 of 17-18 be reduced to one of 5 yrs rigorous imprisonment

2) To, The Registrar, Chief Court

No. G 7633

Dt 25-10-18

Sanctions the above

M. Hanjappa Rao
19/12/18

No. C. 920

.....27'8.....191'8.....

COUNCIL MATTER.

(Clause vi of the Schedule)

CIRCULATED TO THE MEMBERS OF COUNCIL.

26th August 1918.

C. Balasubramanyam
Chief Secretary to Government.

Opinion recorded.

Extra Member of Council

WD 2670-GPB-1.000-11.5-17

True

87-8-18

87N
- 87N 9

12/8

1443/9

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 57-18.

FILE HEADING.

Reference for commutation of sentence of transportation ^{for life} passed on Jamal Bai for infanticide.

From

The Registrar, Chief Court of Mysore

No. 84

Dated 2nd Aug. 1918 Received 10-8-18.

Diary No. 1533

Enclos. 5 files Spare Copies.

Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards the records of Crl appeal No. 112 of 1917-18 & states that the Chief Court recommends that the sentence of transportation for life be reduced to one of 5 years rigorous imprisonment.

NOTES AND ORDERS.

1. 9. 1) Encl. with the G.O. referred to in the letter

86

12/8.

14/8

2) This is a reference made by the Chief Court recommending commutation of sentence passed on a woman convicted for the murder of her infant child.

Serial
No.

That the accused gave birth to a child is admitted. The medical evidence shows that the child found on an unroofed well in the house was born alive and death was due to strangulation. There is no direct evidence to show that the accused committed the murder, the circumstantial evidence is said to establish that the murder must have been committed by the accused herself or by some other instance and over her knowledge and consent. The circumstance that is ^{considered} significant is that no one else had a motive in killing the child, that such a motive could be found only in the accused. In any case it is clear that no one else could have done the deed without her consent. She is convicted and sentenced to transportation. The Chief Court recommends that the sentence may be reduced to rigorous imprisonment for 5 years.

3) Submitted for order

ES
18/8

Chief Secretary,

4) The recommendation of the Chief Court may be accepted.

18th member)

C.S.
18/8/18

Council matter

5) I agree

(in imitation)

I agree

Full

NOTE—Contn. sheet.

1045
26/8/18

21.8.18

7) I agree

24.8.18

Dawar

C.S.

Pinculate.

27/8/18

CS

File No.

51

of 1918-19

Serial
No.

8

Subd. with a D.F.R. and a D.S.M.

207

4/9

4/9

4/9

1) In favour of approval

B
5/9

10) Just Manby

afford

6/9 well

11) Fair Final Note signed by the
1st Member is put upB.S.
6/9

12) D.S.M. submitted

Swamy

by

7/9/18

B

Final Note by the First Member of Council.

Subject:—

Proposals for the reduction of the sentence of transportation for life passed on Jamal Bi for infanticide to one of five years' rigorous imprisonment.

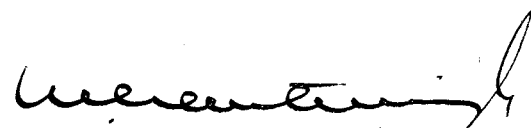
Paper under disposal These papers relate to a reference made by the Chief Court recommending commutation of sentence of transportation passed on a woman for the murder of her infant child.

That the accused gave birth to a child is admitted. The medical testimony proves that the child found in an unused well in the house, must have been born alive and that death was due to throttling and suffocation. There is no direct evidence to show that the accused committed the murder. The circumstantial evidences establishes that the murder must have been committed either by the accused herself or by some one at her instance or with her knowledge and consent. It is significant that no one else had a motive in killing the infant and that such a motive could be found only in the accused.

Paper under disposal The Sessions Judge, Mysore, convicted and sentenced the accused to transportation for life. The Chief Court felt no doubt that the conviction was correct. They, however, recommend that the sentence may be reduced to rigorous imprisonment for five years.

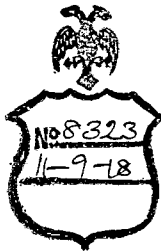
Page 2 of office notes & U The Council are of opinion that the recommendation of the Chief Court may be accepted.

6th Sept.
1918


First Member of Council.

Record of Cases submitted for the Orders
of His Highness the Maharaja.

Subject.



Proposal to reduce the sentence
of transportation for life passed on -
Jamal Bi, for infanticide, to one of five
years' rigorous imprisonment.

No. 340
2. 10. 18

Order.

~~KRW~~
30/9/18

Chig. Sankar

3. 10. 18 do

[Handwritten signature]

General and Revenue
Secretariat.

65 File No.

51 of 1918.

Serial
No.

Encl. with draft order

86
9/10/18.

9/10

smg

10/10

2 To, The Registrar, Chief Court
G 7633 DC 25-10-18

B

15/11

Directs that the sentence of
transportation for life passed
on Jaisal Bi in Hassan's
case be commuted to
one of rigorous imprisonment
for five years.

84 (5 files records)
CR
AUG 1918
JUDICIAL
10 AUG 1918
CENTRAL REV. SECRETARY

DIARY No. 42533
Chief Court of Mysore,
12-13 Bangalore.
SECTION C40
Dated 2nd August 1918.
FILE No. 57-78
SERIAL No. 1

From

N.T. GOPALIENGAR, Esquire, B.A., LL.B.,
Registrar of the Chief Court of Mysore.

To

C.S. BALASUNDARAM IYER, Esquire, B.A.,
Chief Secretary to the Government of Mysore,
Bangalore.

S i r,

Adverting to Government Proceedings No. J. 1237-47/
Cts. 83-08-2, dated the 3rd November 1908, I am directed to
forward herewith the records of Criminal Appeal No. 112 of
1917-18 on the file of this court together with those of the
Hassan Sessions Case No. 11 of 1917-18 on the file of the
Sessions Judge, Mysore Division, and to state that this
court recommends that the sentence of transportation for
life be reduced to one of five years' rigorous imprisonment.
The Sessions Judge has not himself made any reference as
contemplated by the Government order referred to above, but
the Judges, who disposed of the appeal, are of opinion that
the sentence proposed is sufficient in the circumstances of
the case and have themselves directed the reference.

I have the honour to be,

Sir,

Your most obedient servant,

N. T. Gopalengar

REGISTRAR.

N.G.

UTS 3-30
Me 8/8

X
to be kindly
returned when
done with

SUBJECT.....

Diary No. of letter replied to.....

ab

General and Revenue Secretariat

()

, the

191

Section *65*

File No. *57-18*

Serial No. *2*

Proceedings of the Government of

His Highness the Maharaja of Mysore.

Date of issue..... *25-10-18*

Read:—

Letter No. 84 of 2-8-18

Signed by..... *Mr. G. P. S. S. S.*

from the Registrar, Chief

Court of Mysore forwarding

The records of Criminal

Appeal No. 112 of 1917-18

on the file of the Chief Court

together with those of the

Mysore Sessions Case No. 11

~~Order Thereon: No.~~

of 1917-18 on the file of the

Sessions Judge, Mysore Dn.

and stating that the Chief

Court recommends that the

over.

May this be

i Printed?

ii treated as a standing order?

iii published in the Gazette
English part?

iv translated?

v placed at the disposal of the press?

vi published in the Gazette
Kannada part?

23/10/18

sentence of transportation
for life be reduced to one
of five years' rigorous im-
prisonment.

Order No.

Gout. are pleased
to direct that The sentence
of transportation for life
passed on Jamal Bi
in Hassan's Sessions Case
No. 11 of 1917-18 be commuted
to one of rigorous imprison-
ment for five years

~~for~~ for Chief Secy.

List of enclosures.

To

The Registrar, Chief Court
returning the records.

867
9/10/18
9/10/18

Copied by

Examined by